



**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

Patricia Stewart, D.O.,

Plaintiff,

v.

American Association of Physician  
Specialists, Inc. et al.,

Defendant.

Case No. ED CV 13-01670-ODW (DTBx)

JURY VERDICT

### Breach of Contract

You may assume that Stewart and AAPS entered into a contract consisting of the Bylaws of AAPS.

1. Did Stewart do all, or substantially all, of the significant things that the contract required her to do or was she excused from having to do so?

☒ Yes ☐ No

If your answer to question 1 is yes, then answer question 2. If you answered no, go to page 2, question 1.

2. Did AAPS fail to do something that the contract required it to do?

☒ Yes ☐ No

If your answer to question 2 is yes, then answer question 3. If you answered no, go to page 2, question 1.

3. Was Stewart harmed by that failure?

☒ Yes ☐ No

If your answer to question 3 is yes, then answer question 4. If you answered no, go to page 2, question 1.

4. What are Stewart's damages?

a. Past economic loss:

\$ 1,081,927

b. Future economic loss:

\$ 5,819,808

TOTAL \$ 6,901,735

### **Fraudulent Promise**

1. Did AAPS make a false promise to Stewart that AAPS would provide her an appeal before a panel of past presidents?

☒ Yes ☐ No

If your answer to question 1 is yes, then answer question 2. If you answered no, go to page 4, question 1.

2. Did AAPS know that the promise was false at the time that it was made, or did it make the representation recklessly and without regard for its truth at the time that it was made?

☒ Yes ☐ No

If your answer to question 2 is yes, then answer question 3. If you answered no, go to page 4, question 1.

3. Did AAPS intend that Stewart rely on the promise?

☒ Yes ☐ No

If your answer to question 3 is yes, then answer question 4. If you answered no, go to page 4, question 1.

4. Did Stewart reasonably rely on the promise?

☒ Yes ☐ No

If your answer to question 4 is yes, then answer question 5. If you answered no, go to page 4, question 1.

5. Was Stewart's reliance on AAPS's promise a substantial factor in causing harm to Stewart?

X Yes           No

If your answer to question 5 is yes, then answer question 6. If you answered no, go to page 4, question 1.

6. What are Stewart's damages?

a. Past economic loss

lost earnings

\$ 191,797<sup>00</sup>

other past economic loss

\$ 890,136<sup>00</sup>

Total Past Economic Damages:

\$ 1,081,927<sup>00</sup>

b. Future economic loss

lost earnings

\$ 2,254,670<sup>00</sup>

other future economic loss

\$ 3,565,138<sup>00</sup>

Total Future Economic Damages:

\$ 5,819,808<sup>00</sup>

c. Past noneconomic loss, including  
mental suffering:

\$ 1,500,000<sup>00</sup>

d. Future noneconomic loss, including  
mental suffering:

\$ 1,000,000<sup>00</sup>

TOTAL

\$ 9,401,735<sup>00</sup>

### Unruh Discrimination

We answer the questions submitted to us as follows:

1. Did AAPS deny full and equal privileges to Patricia Stewart?

☒ Yes ☐ No

If your answer to question 1 is yes, then answer question 2. If you answered no, go to page 6, question 1.

2. Was Patricia Stewart's sex a substantial motivating reason for AAPS's conduct?

☐ Yes ☒ No

If your answer to question 2 is yes, then answer question 3. If you answered no, go to page 6, question 1.

3. Was AAPS's conduct a substantial factor in causing harm to Patricia Stewart?

☒ Yes ☐ No

If your answer to question 3 is yes, then answer question 4. If you answered no, go to page 6, question 1.

4. What are Patricia Stewart's damages?

a. Past economic loss

lost earnings/lost profits

\$ 191,791<sup>00</sup>

other past economic loss	\$ <u>890,136<sup>00</sup></u>
Total Past Economic Damages:	\$ <u>1,681,927<sup>00</sup></u>

b. Future economic loss	
lost earnings/ lost profits	\$ <u>2,254,670</u>

other future economic loss	\$ <u>3,565,138</u>
Total Future Economic Damages:	\$ <u>5,819,808</u>

c. Past noneconomic loss, including physical	
pain/mental suffering:	\$ <u>1,000,000<sup>00</sup></u>

d. Future noneconomic loss, including physical	
pain/mental suffering:	\$ <u>1,500,000<sup>00</sup></u>
TOTAL	\$ <u>9,401,735</u>

### Defamation AAPS

1. Did AAPS make the statements set forth in the March 28, 2012 email to all members of AAPS and the statements made and shown during the Power Point presentation at the AAPS annual meeting in Marina Del Rey, to persons other than STEWART?

☒ Yes ☐ No

If your answer to question 1 is yes, then answer question 2. If you answered no, go to page 9, question 1.

2. Did the people to whom the statements were made reasonably understand that the statements were about Stewart?

☒ Yes ☐ No

If your answer to question 2 is yes, then answer question 3. If you answered no, go to page 9, question 1.

3. Did these people reasonably understand the statement to mean that Stewart had committed the acts stated?

☒ Yes ☐ No

If your answer to question 3 is yes, then answer question 4. If you answered no, go to page 9, question 1.

4. Were the statements false?

☒ Yes ☐ No

If your answer to question 4 is yes, then answer question 5. If you answered no, go to page 9, question 1.

5. Did Stewart prove by clear and convincing evidence that AAPS knew the statements were false or had serious doubts about the truth of the statement?

☒ Yes ☐ No

If your answer to question 5 is yes, then answer questions 6, 7, and 8. If you answered no, go to page 9, question 1.

ACTUAL DAMAGES

6. Was AAPS's conduct a substantial factor in causing Stewart actual harm?

☒ Yes ☐ No

If your answer to question 6 is yes, then answer question 7. If you answered no, skip question 7 and answer question 8.

7. What are Stewart's actual damages for:



a. Harm to Stewart's reputation?

\$ 2,000,000

b. Shame, mortification, or hurt feelings?

\$ 1,000,000

If Stewart has not proved any actual damages for either a or b, then answer question 8. If Stewart has proved actual damages for both a and b, skip question 8 and go to page 9, question 1.

ASSUMED DAMAGES

8. What are the damages you award Stewart for the assumed harm to her reputation, and for shame, mortification, or hurt feelings? You must award at least a nominal sum.

\$ 3,000,000

Go to page 9, question 1.

### Defamation Cerrato

1. Did CERRATO make the statements set forth in the March 28, 2012 email to all members of AAPS and the statements made and shown during the Power Point presentation at the AAPS annual meeting in Marina Del Rey, California to persons other than STEWART?

☒ Yes ☐ No

If your answer to question 1 is yes, then answer question 2. If you answered no, go to page 12, question 1.

2. Did the people to whom the statements were made reasonably understand that the statements were about Stewart?

☒ Yes ☐ No

If your answer to question 2 is yes, then answer question 3. If you answered no, go to page 12, question 1.

3. Did these people reasonably understand the statement to mean that Stewart had committed the acts stated?

☒ Yes ☐ No

If your answer to question 3 is yes, then answer question 4. If you answered

no, go to page 12, question 1.

4. Were the statements false?

☒ Yes ☐ No

If your answer to question 4 is yes, then answer question 5. If you answered no, go to page 12, question 1.

5. Did Stewart prove by clear and convincing evidence that CERRATO knew the statements were false or had serious doubts about the truth of the statement?

☒ Yes ☐ No

If your answer to question 5 is yes, then answer questions 6, 7, and 8. If you answered no, go to page 12, question 1.

ACTUAL DAMAGES

6. Was CERRATO's conduct a substantial factor in causing Stewart actual harm?

☒ Yes ☐ No

If your answer to question 6 is yes, then answer question 7. If you answered no, skip question 7 and answer question 8.

7. What are Stewart's actual damages for:

a. Harm to Stewart's reputation?

\$ 3,000,000

b. Shame, mortification, or hurt feelings?

\$ 1,000,000

If Stewart has not proved any actual damages for either a or b, then answer question 8. If Stewart has proved actual damages for both a and b, skip question 8 and go to page, question 1.

ASSUMED DAMAGES

8. What are the damages you award Stewart for the assumed harm to her reputation, and for shame, mortification, or hurt feelings? You must award at least a nominal sum.

\$ 41,000,000

Go to page 12, question 1.

### **Intentional Infliction of Emotional Distress- Cerrato**

1. Was CERRATO's conduct outrageous?

☒ Yes ☐ No

If your answer to question 1 is yes, then answer question 2. If you answered no, go to page 15, question 1.

2. Did CERRATO intend to cause STEWART emotional distress? or

Did CERRATO act with reckless disregard of the probability that Stewart would suffer emotional distress, knowing that Stewart was present when the conduct occurred?

☒ Yes ☐ No

If your answer to question 2 is yes, then answer question 3. If you answered no, go to page 15, question 1.

3. Did Stewart suffer severe emotional distress?

☒ Yes ☐ No

If your answer to question 3 is yes, then answer question 4. If you answered no, go to page 15, question 1.

4. Was CERRATO's conduct a substantial factor in causing Stewart's severe emotional distress?

☒ Yes ☐ No

If your answer to question 4 is yes, then answer question 5. If you answered no, go to page 15, question 1.

5. What are Stewart's damages?

a. Past economic loss

lost earnings	\$ <u>191,791</u> -
lost profits	\$ <u>N/A</u>
medical expenses	\$ <u>0</u>
other past economic loss	\$ <u>890,136</u> -

Total Past Economic Damages: \$ 1,081,927

b. Future economic loss

lost earnings	\$ <u>2,254,670</u> -
lost profits	\$ <u>N/A</u>
other future economic loss	\$ <u>3,565,138</u> -

Total Future Economic Damages: \$ 5,819,808-

c. Past noneconomic loss, including physical pain/mental suffering: \$ 2,000,000-

d. Future noneconomic loss, including physical pain/mental suffering: \$ 1,600,000-

TOTAL \$ 10,501,735-

**Intentional Infliction of Emotional Distress--AAPS**

1. Was AAPS's conduct outrageous?

X Yes      \_\_\_\_\_ No

If your answer to question 1 is yes, then answer question 2. If you answered no, go to page 18, question 1.

2. Did AAPS intend to cause STEWART emotional distress? or

Did AAPS act with reckless disregard of the probability that Stewart would suffer emotional distress, knowing that Stewart was present when the conduct occurred?

X Yes      \_\_\_\_\_ No

If your answer to question 2 is yes, then answer question 3. If you answered no, go to page 18, question 1.

3. Did Stewart suffer severe emotional distress?

X Yes      \_\_\_\_\_ No

If your answer to question 3 is yes, then answer question 4. If you answered no, go to page 18, question 1.



4. Was AAPS's conduct a substantial factor in causing Stewart's severe emotional distress?

X Yes      \_\_\_\_\_ No

If your answer to question 4 is yes, then answer question 5. If you answered no, go to page 18, question 1.

5. What are Stewart's damages?

a. Past economic loss

lost earnings      \$ 191,791 -

lost profits      \$ N/A

medical expenses      \$ 0

other past economic loss      \$ 890,136

Total Past Economic Damages: \$ 1,081,927 -

b. Future economic loss

lost earnings      \$ 2,254,670 -

lost profits      \$ N/A

other future economic loss      \$ 3,565,138

Total Future Economic Damages: \$ 5,819,808 -

c. Past noneconomic loss, including physical pain/mental suffering: \$1,000,000-

d. Future noneconomic loss, including physical pain/mental suffering: \$1,500,000-

TOTAL \$9,401,735-

### Special Verdict –Common Law Right to Fair Procedure

1. Did AAPS violate Stewart's Common Law Right to Fair Procedure by means of the manner in which they terminated her membership in AAPS?

☒ Yes ☐ No

2. Was Stewart harmed by that failure?

☒ Yes ☐ No

If your answer to question 2 is yes, then answer question 3. If you answered no, go to page 19, question 1.

3. What are Stewart's damages?

a. Past economic loss:

\$ 1,081,927

b. Future economic loss:

\$ 5,819,808

TOTAL \$ 6,901,735<sup>00</sup>

Go to page 19 and answer the questions there.

### **Punitive Damages**

If you found in favor of Patricia Stewart on her claim of false promise, gender discrimination, defamation, intentional infliction of emotional harm or breach of the Common Law Duty of Fair Procedure answer the questions below. If you found in favor of the defendants on all the claims of false promise gender discrimination, defamation, intentional infliction of emotional harm and breach of the Common Law Duty of Fair Procedure do not answer any further questions and sign and submit this form to the court.

1. Did CERRATO engage in the conduct with malice, oppression, or fraud?

☒ Yes ☐ No

2. Did AAPS engage in the conduct with malice, oppression, or fraud?

☒ Yes ☐ No

Total Damages for All Causes of Action \$ \_\_\_\_\_

After total damages have been determined and the verdict form has been signed, notify the court that you are ready to present your verdict in the courtroom.

Signed: **REDACTED**  
VERDICT FORM AS TO FOREPERSON  
SIGNATURE

Dated: 2/11/16